



"Geekie, Matthew"
<mwgeekie@xtra.com>

05/12/2006 05:13 PM

To

Subject RE: Fairmont City

US EPA RECORDS CENTER REGION 5



472290

XTRA

Mr. Turner and all:

We at XTRA appreciate your thoughts and advice.

I am available throughout the weekend and at any time.

Understanding that Mike Steinberg was out of the office today ill and anticipating that he will remain so over the weekend, I invite Mr. Greenburg to call or email me at his convenience to arrange a time to, or at that instant, craft language that further defines the twice before accepted word "costs". Moreover, as Mr. Greenburg and I both reside in St. Louis, I would be delighted to confer with him directly. I will set aside social, family and church obligations to do so.

XTRA's Director of Real Estate, John Mueller, will be at the site Monday morning at 10:00 AM to grant access.

Best regards, Matt Geekie

Matthew W. Geekie
General Counsel & Secretary
XTRA Corporation
A Berkshire Hathaway Company
1801 Park 270 Drive
Suite 400
St. Louis, MO 63146
(o) 314-579-9300
(f) 314-439-7753

-----Original Message-----

From: Turner.Thomas@epamail.epa.gov
[mailto:Turner.Thomas@epamail.epa.gov]
Sent: Friday, May 12, 2006 4:55 PM
To: apolonsky@morganlewis.com
Cc: msteinberg@morganlewis.com; Geekie, Matthew;
reg@greensfelder.com; Murawski.Ronald@epamail.epa.gov
Subject: Re: Fairmont City

Thank you, Mr. Polonsky.

U.S. EPA strongly suggests given this e-mail and in light of the notification of access difficulties that Blue Tee has formally stated in its e-mail and fax to me of this afternoon, that a dialog be set for a given time and date between now and Monday May 15, 2006, in order for the parties to secure at least access for the RI/FS work, if not agreement on all terms. I believe that such action would certainly constitute (but in no way completely encompass) 'best efforts' and 'compliance' - as described in the June 2005 administrative order on consent at paragraph 48 and the June 2005 unilateral order at paragraphs 62-64. If you need me, I can be available. However, it is essential for the parties concerned to communicate and make every reasonable attempt to resolve this matter. This is especially true in light of the above statements.

Tom Turner, US EPA

apolonsky@morgan
lewis.com

05/12/2006 04:34
PM

To
Thomas Turner/R5/USEPA/US@EPA,
Richard Greenberg
<reg@greensfelder.com>

cc
mwgeekie@extra.com,
msteinberg@morganlewis.com

Subject

Fairmont City

Tom and Richard,

I understand that there is some concern on your part about your ability to have discussions with the General Counsel of XTRA, Mr. Geekie, because "XTRA is a represented party." Assuming you need such permission to speak with Mr. Geekie, you hereby have that permission. I urge one or both of you to reach out to Mr. Geekie, whose cell phone number is 314-221-7585.

Although XTRA will have a representative and an Access Agreement in its current form at the site on Monday for Blue Tee to sign, we remain open to discussions over the weekend as to how to resolve Blue Tee's concern over the word "costs" in the Agreement. XTRA understands EPA's frustration and has, and will, work in good faith to resolve the issue with Blue Tee over the weekend. That being said, XTRA has in no way impeded the start of RI/FS sampling and any allegations to the contrary are fully controverted by the record of negotiations that have transpired on this issue, which XTRA would be happy to document for the EPA if requested.

Regards,

Alex S. Polonsky
Morgan Lewis & Bockius LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004
Direct dial: 202.739.5830

Fax: 202.739.3001

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apolonsky@morganlewis.com To

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History

This message has been replied to and forwarded

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